



Arizona Peace Officer Standards and Training Board

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MINUTES OF THE FEBRUARY 20, 2019 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on February 20, 2019, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sheriff Mark Dannels, Cochise County Sheriff's Office
Ms. Jamie Kelly, Public Member
Mr. Andrew LeFevre, Grand Canyon University
Officer Matthew Medina, Prescott Police Department
Colonel Frank Milstead, AZ Department of Public Safety
Deputy Christopher Pittmann, Maricopa County Sheriff's Office
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, AZ Department of Corrections

Members Absent:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Mr. Richard Wooten, Public Member

Staff in Attendance:

Matt Giordano, Executive Director
Billy Caldwell, Compliance Specialist
Mike Deltenre, Compliance Specialist
Steve Enteman, Training Supervisor
Steve Jacobs, Compliance Specialist
Cathy Hawse, Compliance Specialist
Arlene Heckel, Compliance Specialist
Mike Orose, Compliance Specialist
Mark Perkovich, Program Administrator
Cindy Sawyer, Training Compliance Specialist
Sandy Sierra, Administrative Services Officer
Lori Wait, Compliance Specialist

Assistant Attorneys General:

Seth Hargraves
Mark Brachtl
Thomas Raine
John Tellier

A. Call to Order

Acting Chairman Rodbell called the meeting to order at 10:00 a.m. and asked Officer Medina to lead everyone in reciting the Pledge of Allegiance.

B. Introductions, Presentations and Announcements

Matt Giordano, Executive Director

- Assistant Attorney General John Tellier will provide legal advice to the Board on two final action cases - #16-075 Matthew T. Chuey and #16-152 John R. Pedraza.
- Agenda item J will be removed from the agenda. The agency has decided to reevaluate its practice of hiring peace officers as investigators.
- Two new cases will be removed from the agenda for further review; Case 19-010 Eric K. Dunn and 19-009 Tyler C. Mohny.
- Ben Henry has been selected as the future Deputy Director. Ben retired from the Phoenix Police Department in 2016 and spent a year as the Chief Deputy for the Maricopa County Sheriff's Office. He is currently in the background process. Ben will oversee the Compliance Section and assist with other duties.
- For the record, two Board members are not present; Sheriff Scott Mascher and Mr. Richard Wooten. There are currently two Board member vacancies (small agency police chief and jail administrator).

C. Executive Director's Report

Matt Giordano, Executive Director

- Traveled to Cochise County to meet with Sheriff Dannels. Toured the new academy at Cochise College; this is a great facility and offers housing in case anyone is interested in sending their recruits to this facility.
- Attended budget hearings both in the House and Senate. We are scheduled to receive just over one million dollars in appropriated funds. This is an increase from last year. These funds will be allocated for basic training academies.
- Accompanied Compliance Specialists William Caldwell and Mike Deltenre to the San Carlos Police Department to conduct an audit; this was a great experience.
- Attended the AACOP membership meeting in Mesa and was given the opportunity to address the group.
- Training Supervisor Steve Enteman hosted the Statewide Training Coordinator's Meeting in Chandler on January 29, 2019. There were over 100 attendees and feedback was very positive. Steve Enteman, Mark Perkovich, Marie Dryer, Cindy Sawyer, Dan Ciernia and Dale Wyman were very instrumental in this meeting being a success.
- Met with retired AACOP members to discuss a pilot program for interim police chiefs. We will provide support and guidance if needed.
- Traveled with Compliance Specialist Steve Jacobs to Lake Havasu to attend the Western Arizona Law Enforcement Association Meeting on February 15, 2019. Toured WALETA since the meeting was held there; this too is a great facility.

D. Summary of Current Events

Matt Giordano, Executive Director

- The IT Systems Administrator position was advertised and we have begun receiving resumes. We are hoping to be able to conduct interviews in the next few weeks.

- AZ Western College will transition to a full-time academy in partnership with the Yuma County Sheriff's Office and the Yuma Police Department.
- The Navajo Department of Public Safety indicated they are open to us conducting a site inspection of their academy. We are still in discussions with them reference future processes and certification of individual officers.

E. Legislative Update

Matt Giordano, Executive Director

- HB 2189 passed out of the House Public Safety Committee with one change. The change adds federally recognized Native American tribe to the two chiefs of police membership on the Board.
- HB 2566 – This bill is no longer being heard. This bill would have added training on the protocol for interaction when encountering an individual with communication deficits. The training would include a block of instruction every three years for all certified peace officers in the state. Worked with the AZ Commission for the Deaf and Hard of Hearing and Representative London to pull this bill and will work with stakeholders to ensure this important training is available to all peace officers.
- HB 2173 – Law Enforcement Officer Database. This bill would create a database for law enforcement officer discipline records and POST would be the collection agency for this information. No hearing date has been set for this bill.
- HB 2699 – This bill provides a vulnerability assessment be conducted for all school buildings. We would approve the curriculum for the training of officers who conduct the assessment. The bill is currently being heard in the House Public Safety Committee.
- HB 2671 – Law Enforcement Integrity Database. This bill requires AZPOST to hear appeals to Brady List inclusion.
- HB 2149 – This bill removes the definition of cannabis from Title 13 Chapter 34. It would classify marijuana in any form as marijuana. This impacts new hire drug use reviews.

These are just a few of the bills we are keeping a close eye on.

F. Rule Review Update

Matt Giordano, Executive Director

- Mark Perkovich will be the point of contact for 2019 rule changes. Mark is in the process of creating a survey that will go out to every agency head asking what the agency's concerns are and how we can improve things. The last rule change was in 2016; the purpose of this rule change is not to add more rules, but to make the rules clearer, cleaner and less ambiguous.

G. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda; as amended, and remove John T. Walsh for further discussion. The motion was seconded by Sheriff Dannels and passed unanimously.

Consent Agreements for Voluntary Relinquishment/Denial of Peace Officer Certification. The following individual, without admitting to any misconduct, requests the Board accept his request to permanently relinquish his Arizona peace officer certification:

John L. Schwing 18-016 Mohave County Sheriff's Office

Mr. Ahler (AAG) recused himself from this case. Mr. LeFevre made a motion to accept the Consent Agreement, Decision and Order for voluntary relinquishment of peace officer certification for John T. Walsh 18-095, AZ Attorney General's Office. The motion was seconded by Sheriff Dannels and passed unanimously.

H. Review, Discussion and Possible Action on a Wickenburg Police Department Petition for Waiver of the Seven Year Restriction from A.A.C. R13-4-105(A)(14) for Applicant Jared C. Loesing

Assistant Attorney General Seth Hargraves addressed the Board regarding the Wickenburg Police Department petition for waiver of the seven year restriction set forth in A.A.C. R13-4-105(A)(14) for Jared C. Loesing. Chief Les Brown, Wickenburg Police Department, addressed the Board to request that the petition be granted.

Colonel Milstead made a motion to grant the petition for waiver of the seven year restriction for Applicant Jared C. Loesing. The motion was seconded by Director Ryan and passed unanimously.

I. Review Discussion and Possible Action on a Scottsdale Police Department Petition of the Drug Experimentation Rule on Behalf of Applicant Margaret Diaz

Acting Chairman Rodbell recused himself from this case and left the room. Sheriff Dannels was acting chair. Assistant Attorney General Seth Hargraves addressed the Board regarding the Scottsdale Police Department petition to determine that the drug usage by Applicant Margaret Diaz was experimental. Commander Aaron Minor, Scottsdale Police Department, addressed the Board to request that the petition be granted.

Mr. Ahler (AAG) made a motion to grant the petition for a determination that the drug usage by Margaret Diaz was experimental. The motion was seconded by Colonel Milstead and passed unanimously.

J. Review, Discussion and Possible Action on an Arizona Department of Economic Security – Office of Inspector General Petition for Restricted Peace Officer Certifications for Staff Transitioning out of Duties Which Require Firearms

At the request of the agency head, this petition was withdrawn. The agency has elected to end its practice of hiring AZPOST certified peace officers.

K. Final Action Cases:

1. 16-076 – Matthew T. Chuey – Mesa Police Department
Mr. Ahler (AAG) recused himself from this case.

The Board heard oral argument on the Administrative Law Judge (ALJ) decision from Assistant Attorney General Thomas Raine and from Attorney Kathryn Baillie, representing Mr. Chuey. Mr. LeFevre made a motion to accept the ALJ's Findings of Fact and

Conclusions of Law and close this case with No Action. The motion was seconded by Sheriff Dannels and passed unanimously.

2. #16-152 – John R. Pedraza – Phoenix Police Department

The Board considered comments from Assistant Attorney General Mark Brachtel, who provided a brief overview of the case and the terms of the proposed consent agreement; and from Attorney Steven Serbalik, representing Mr. Pedraza. Sheriff Dannels made a motion to accept the Consent Agreement, Decision and Order for a 3-year suspension of Mr. Pedraza's peace officer certification. The suspension shall be in effect from February 25, 2016 through February 26, 2019; at which time his peace officer certification shall lapse. The motion was seconded by Colonel Milstead and passed unanimously.

3. #18-121 – Alicia W. Vildusea – Tucson Police Department

The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Ms. Vildusea's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

4. #18-125 – Brad R. Jacobs – Lake Havasu City Police Department

The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Jacob's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.

5. #18-119 – Michael W. Mishler – Surprise Police Department

The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Mishler. The motion was seconded by Director Ryan and passed unanimously.

L. New Charging Cases:

1. #18-134 – Johnathan J. Rambler – San Carlos Apache Tribal Police Department

The Board considered comments from Compliance Specialist William Caldwell, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to **Initiate Proceedings** against Mr. Rambler's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

2. #18-109 – Pedro A. Molera – Nogales Police Department

The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Molera's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.

3. #18-139 – Jordan M. Robins – Tucson Police Department

The Board considered comments from Compliance Specialist Cathy Hawse, who provided a brief overview of the case. Sheriff Dannels made a motion to **Initiate Proceedings** to deny

- peace officer certification to Mr. Robins. The motion was seconded by Director Ryan and passed unanimously.
4. #18-148 – Patrick W. Beckley – Chandler Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Colonel Milstead made a motion to **Initiate Proceedings** against Mr. Beckley's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
 5. #19-002 – Scotty J. Caley – Quartzsite Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Director Ryan made a motion to **Initiate Proceedings** against Mr. Caley's peace officer certification. The motion was seconded by Officer Medina and passed unanimously.
 6. #18-169 – Jason D. Corona – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Sheriff Dannels made a motion to **Initiate Proceedings** against Mr. Corona's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
 7. #19-001 – Brian C. Lee – Phoenix Police Department
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Colonel Milstead made a motion to close this case and **Resolve in Future** (the outstanding issues) if Mr. Lee applies with another agency. The motion was seconded by Deputy Pittmann and passed unanimously.
 8. #19-010 – Eric K. Dunn – AZ Department of Public Safety
This case was tabled for further review.
 9. #19-014 – Michael J. Gallego – AZ Department of Public Safety
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Colonel Milstead questioned Ms. Wait in reference to two questions asked during the polygraph of Mr. Gallego. He stated there is a discrepancy because the polygrapher stated that is not what he asked. Assistant Attorney General Hargraves advised Colonel Milstead that he is referencing information that the other Board members do not have and since Mr. Gallego is an applicant with his agency he should consider recusing himself. Colonel Milstead stated there is no conflict of interest and on the advice of his attorney it was determined he did not have to recuse himself from this case because there is no financial interest. Assistant Attorney General Hargraves advised that there does not need to be a financial interest for there to be a conflict of interest and given his advocacy on behalf of the applicant, Colonel Milstead should recuse himself. Upon further discussion, Acting Chairman Rodbell asked Colonel Milstead to recuse himself from this case; Colonel Milstead did so. Sheriff Dannels then made a motion to table this case in order to gather further information. The motion was seconded by Director Ryan and passed unanimously.
 10. #19-009 – Tyler C. Mohny – AZ Department of Public Safety
This case was tabled for further review.

11. #18-113 – Joshua D. Tuffly – AZ Department of Public Safety

Colonel Milstead recused himself from this case. The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Deputy Pittmann made a motion to ***Initiate Proceedings*** against Mr. Tuffly's peace officer certification. The motion was seconded by Officer Medina and passed unanimously.

12. #18-114 – Victor H. Valenzuela – Miami Police Department

The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to ***Initiate Proceedings*** against Mr. Valenzuela's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

M. Future Agenda Items

Mr. LeFevre inquired as to the status of the Gerard Sheridan case that was tabled last month. Executive Director Giordano stated that due to the number of Board members who recused themselves from this case, we will have to wait until the two Board vacancies are filled to determine if we will have a quorum.

N. Adjournment

The meeting was adjourned at 11:12 a.m.